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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In Re:)	Chapter 11
)	
BCE WEST, L.P., <i>et al.</i> ,)	Case Nos. 98-12547
)	through 98-12570 ECF CGC
Debtors.)	Jointly Administered
)	
EID # 38-3196719)	DEBTOR'S MOTION FOR
)	PROTECTIVE ORDER REGARDING
)	COMMITTEE OBJECTION
)	
)	
)	

BCE West, L.P., Boston Chicken, Inc., Mayfair Partners, L.P., BC Great Lakes, L.L.C.,
BC GoldenGate, L.L.C., B.C.B.M. Southwest, L.P., BC Boston, L.P., BC Superior, L.L.C., BC
Heartland, L.L.C., BC Tri-States, L.L.C., Finest Foodservice, L.L.C., BC New York, L.L.C.,
R&A Food Services, L.P., P&L Food Services, L.L.C., Mid-Atlantic Restaurant Systems, Inc.,
BCI Massachusetts, Inc., BCI Southwest, Inc., BC Real Estate Investments, Inc., BCI Mayfair,
Inc., Progressive Food Concepts, Inc., BCI R&A, Inc., BCI West, Inc., BCI Acquisition Sub,
L.L.C., and Buffalo P&L Food Services, Inc., debtors and debtors in possession (the "Debtors")

1 request the Court to enter an order pursuant to Section 107(b)(1) and (2) of the Bankruptcy Code
2 protecting from public disclosure the objection to the Debtors' motion for extension of exclusivity
3 filed by the Official Committee of Unsecured Creditors (the "Committee"). The Committee
4 consents to the relief requested by this Motion. In support of this Motion, Debtors state as
5

6
7 **I. JURISDICTION**

8 1. .S.C. §§ 1334 and 157, the Court has jurisdiction to hear this
9 Motion. Pursuant to 28 U.S.C. § 157(b)(2)(A) and (O), this Motion presents a core proceeding.
10

11 **II. BACKGROUND**

12 2. On October 5, 1998 (the "Petition Date"), the Debtors filed voluntary petitions for
13 relief under Chapter 11, Title 11 of the United States Code (the "Bankruptcy Code"), in the
14 United States Bankruptcy Court for the District of Arizona (the "Court"). Pursuant to §§ 1107(a)
15 and 1108 of the Bankruptcy Code, the Debtors are operating their businesses and managing their
16 property as debtors in possession.
17

18 3. On September 1, 1999, the Debtors filed their Emergency Motion for Expedited
19 Consideration of Interim Order Extending Exclusive Periods for Debtors to File and Obtain
20 Acceptances of Plans of Reorganization; Motion to Extend Exclusive Periods for Debtors to File
21 and Obtain Acceptances of Plans of Reorganization (the "Exclusivity Extension Motion").
22

23 4. A hearing to consider the Exclusivity Extension Motion is presently set for
24 September 24, 1999.
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1 9. Further, the Debtors believe that allegations referenced in paragraph 6 above are in
2 the realm of potentially scandalous and defamatory statements within the purview of 11 U.S.C.
3 § 107(b)(2). The Debtors are advised by the Committee that the Committee does not agree with
4 such a characterization of such allegations but, nevertheless, consents to the relief requested
5 herein.

6
7 10. Section 107(b) of the Bankruptcy Code provides, in part, that “[o]n request of a
8 party in interest, the bankruptcy court shall, . . . (1) protect an entity with respect to a trade secret
9 or confidential research, development, or commercial information; . . . or (2) protect a person with
10 respect to scandalous or defamatory matter contained in a paper filed in a case under this title.”

11 11. The Debtors submit that significant economic injury could occur if the content of
12 the objection was disclosed publicly, and that no party in interest will be disadvantaged or harmed
13 as a consequence of sealing the objection and protecting it from public disclosure.

14
15 12. By this Motion and the requested order it is not the intention of the Debtors or the
16 Committee to in any manner prejudice the respective rights and legal positions of the Debtors or
17 the Committee, or that the Committee’s cooperation in sealing the Committee’s objection be
18 construed as precedent for sealing any subsequent pleadings that the Committee may file,
19 including any future objections to exclusivity motions. Upon the confirmation of a plan of
20 reorganization in these cases or the conversion or dismissal of these cases under Section 1112 of
21 the Bankruptcy Code, the objection would be unsealed and placed in the public record.

22
23 WHEREFORE, the Debtors, with the consent of the Committee, request that this Court
24 enter an Order pursuant to Section 107(b) of the Bankruptcy Code sealing and protecting from
25
26

1 public disclosure the objection to the Exclusivity Extension Motion being filed by the Committee,
2 and for such other and further relief as is deemed just and proper.

3 Respectfully submitted this 17th day of September 1999.

4 DEBTORS AND DEBTORS IN POSSESSION

5
6 By: /s/ Randolph J. Haines
7 One of their Attorneys

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Agreed:

Official Committee of Unsecured Creditors

By: /s/ Donald L. Gaffney
One of its counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 17th, 1999, the foregoing document was served by e-mail on all parties on the Master Service List #12 dated August 26, 1999.

 /s/ Randolph J. Haines